

DATE	NR.	PROCEEDINGS
1-28-75	1.	Complaint, filed. (Orig. Declaration of Taking in 75-C-36)lm
1-28-75	2.	Notice of Condemnation, filed. lm
1-28-75	3.	Motion for Order for Delivery of Possession, filed. lm
1-28-75	MO	Case transferred to Judge H. Dale Cook (AEB-J)lm
1-28-75	4	Order for delivery of possession, filed. (HDC-J)g
2-18-75	5	Disclaimer of debt. State of OK ex rel. Okla. Tax Commission, filed.k
2-27-75		Summons returned and filed. Served John M. Anderson of Tulsa on 2-4-75 w/fees of \$7.44; served Icee Anderson, Sand Springs, on 2-3-75 w/fees of \$9.72; served J.M. Anderson of Sand Springs on 2-5-75 w/fees of \$7.20; served Emma Viretta Hogan of Ft. Worth, Texas on 2-6-75 w/fees of \$10.80; served Barbara Lou Walker of Bartlesville, Ok. on 2-5-75 w/fees of \$18.00; served Phyllis Jean Austin of Tulsa on 2-4-75 w/fees of \$6.00; served Mary Lou Bohannon of Sand Springs on 2-4-75 w/fees of \$6.48; served John Edward Anderson on 2-5-75 w/fees of \$6.00; served Mary Lou Anderson on 2-4-75 in Sand Springs, w/fees of \$6.00; served Donna Renee Anderson, Sand Springs, on 2-5-75 w/fees of \$7.92; unable to serve Gerald C. Pickering, Knoxville, Tenn; served Robert Duffield, Tulsa, Oklahoma on 2-5-75 w/fees of \$7.92; served George C. Creager, Oklahoma City, on 2-4-75 w/fees of \$10.40; served Jack Nelson V.P. Derrick Builders, Tulsa, Okla. on 2/7/75 w/fees of \$11.40; served Hazel Ann Shoemake, Pawhuska, Okla. on 2-7-75 w/fees of \$6.00; served W. Harold Clark, Pawhuska, Okla. on 2-7-75 w/fees of \$6.00; served Nezzie Horn, Pawhuska, Okla on 2-7-75 w/fees of \$19.20; served Okla. Tax Commission, Okla. City, on 2-4-74 w/fees of \$8.72. lm
4-28-75	6.	Mot. to add party Deft., filed by Pltf. v (o)
4-29-75	7.	Order to add I.D.S. Mortgage Corporation as party def., filed.(HDC-J)rm copy to US Atty
5-9-75	8.	Answer and Demand for <u>Jury</u> Trial, filed by Defts. John M. Anderson, Henry P. Anderson and Opal M. Faddis, etc., filed. v
5-9-75		Marshal's service, ret. & filed: served I.D.S. Mortgage Corp., Ok. City on 5-2-75. (USM \$9.68)g
6-11-75	MO:	Case set for pre-trial hearing 7-8-75 at 2:45 p.m. (HDC-J)hm
6-12-75	9.	Motion of Alexander-Frates Co., Diamond Head Property Owners Association, Inc., and Diamond Head Development Sec. 2, Osage Co., Okla. to intervene as defts., filed. lm
6-12-75	MO	It is ordered by the Court that pltf. is given 10 days to respond to motion to intervene as defts of Alexander-Frates Co., Diamond Head Property Owners Association, Inc., and Diamond Head Development Sec. 2, Osage Co., Okla. (HDC-J)lm ltrs mld.
6-13-75	10.	Brief of Alexander-Frates Co. in support of mo/intervene, filed.rm
6-16-75	11.	Appl. of Ben Murdock to w/draw as atty. of record, filed. v
6-17-75	12.	Pltf.'s response to Mot. to intervene as defts., filed. v
6-18-75	13.	Letter dated 6-17-75 to Clerk from Ben L. Murdock giving notice to clients of PT hearing, etc., filed. hm

GENERAL DOCKET

UNITED STATES COURT OF APPEALS
FOR THE

CV. US

TENTH

CIRCUIT

83-2195 B

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

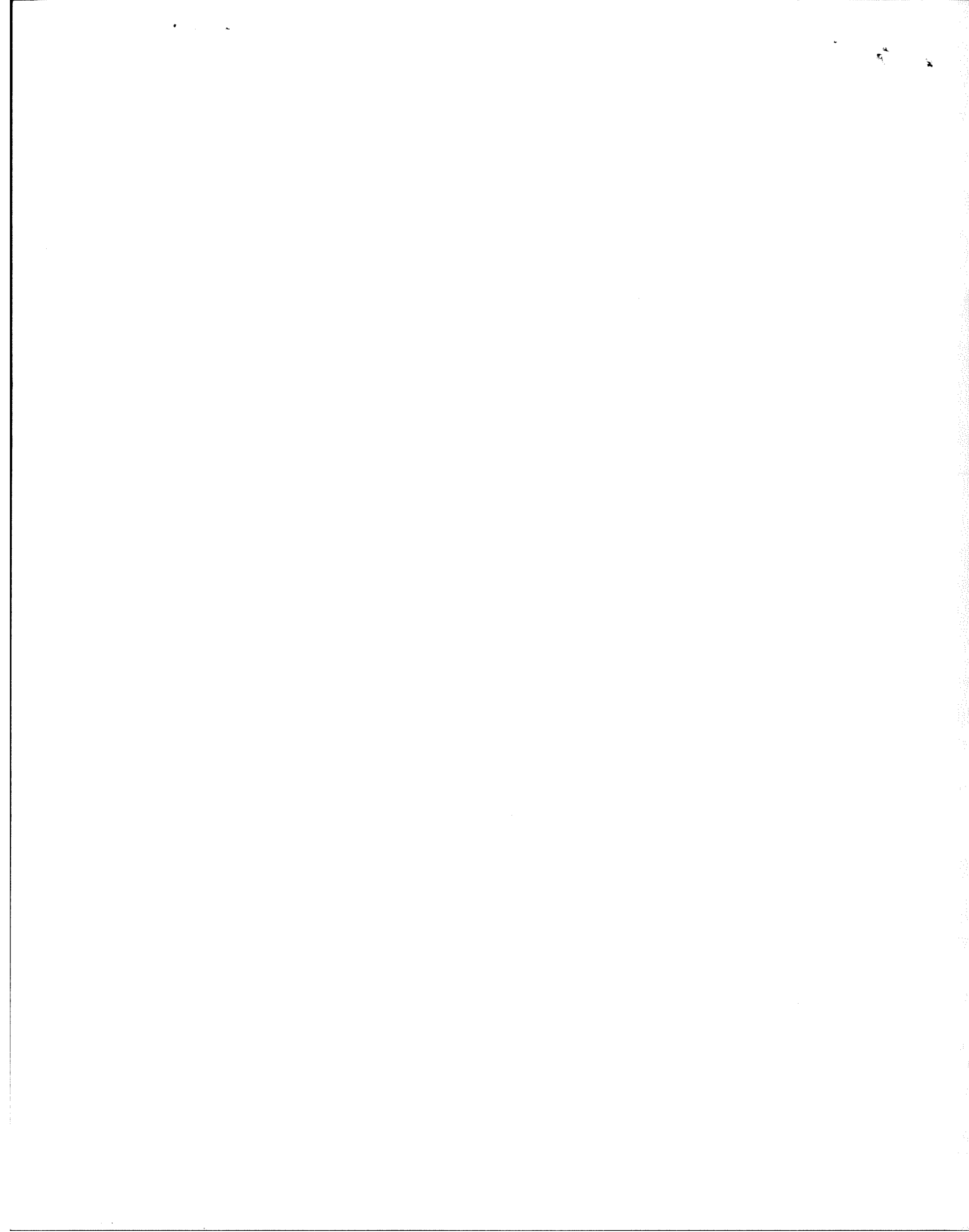
CASE NO.

83-2195

prior cases 79-1672 and 79-1673; 669 F.2d 1364 - 1982

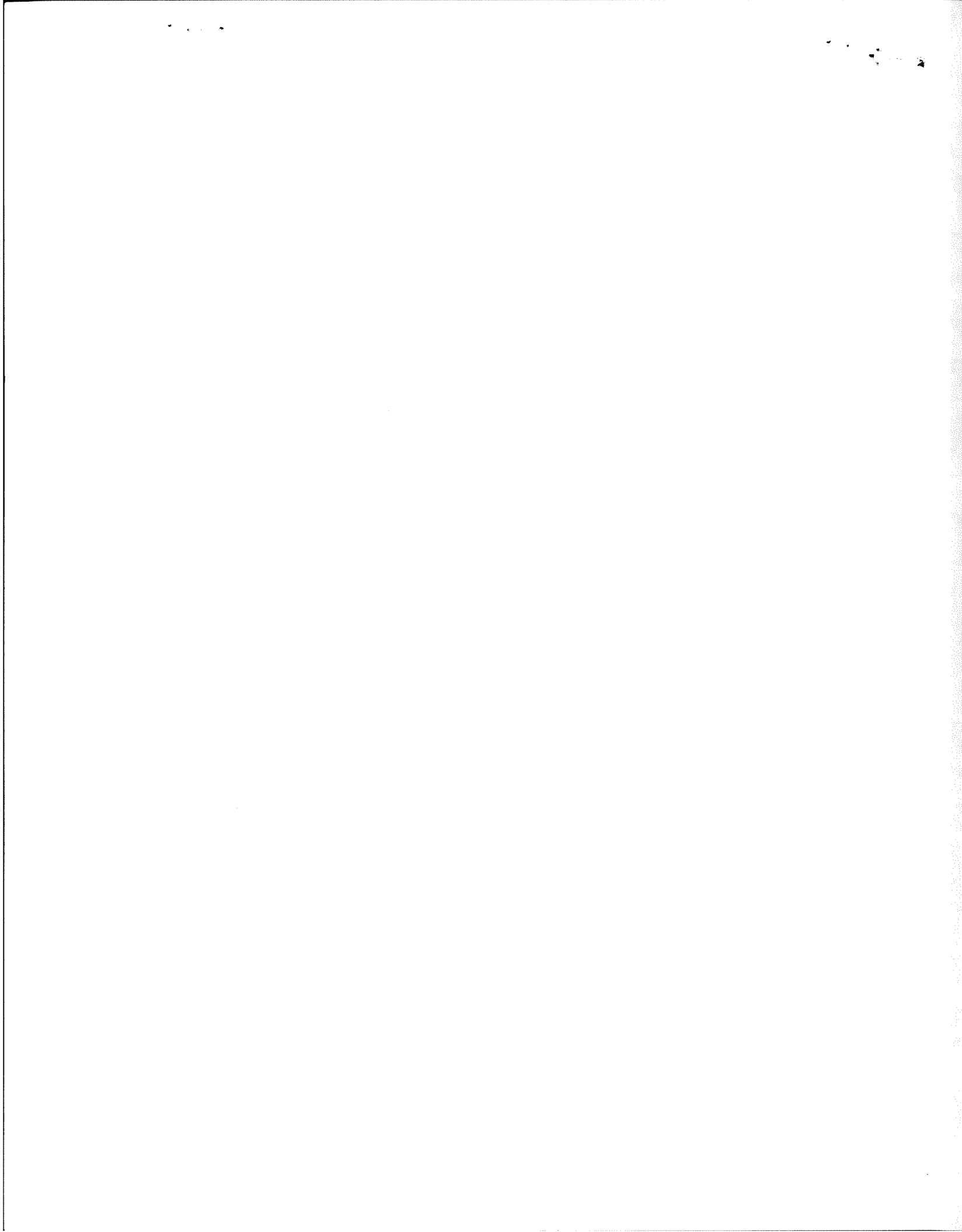
TITLE OF CASE	ATTORNEYS FOR APPELLANT
UNITED STATES OF AMERICA, Plaintiff-Appellee, vs. 49.01 Acres of Land, More or Less, Situate in Osage County, State of Oklahoma, I.D.S. Mortgage Corporation, and Industrial Western Inc., Defendants, ALEXANDER-FRATES CO., a Corporation, DIAMOND HEAD PROPERTY OWNERS ASSOCIATION, Inc., a non-profit corporation, DIAMOND HEAD DEVELOPMENT SECTION 2, OSAGE COUNTY, OKLAHOMA, Defendants-Appellants.	(A) F. Paul Thieman, Jr. DECEASED 1818 One Williams Center Tulsa, OK 74172 918-585-5955 (A) Edwin Kronfeld (above) Thieman & Kronfeld 1818 One Williams Center Tulsa, OK 74172 (a) J. Thomas Lenhart () Pamela H. Anderson Shaw, Pittman, Potts and Trowbridge 1800 M Street, N.W. Washington, D.C. 20036 202-822-1000 ATTORNEYS FOR APPELLEE (A) Donald T. Hornstein (A) Robert L. Klarquist Dept. of Justice Land & Natural Resources Div. Appellate Section 10th and Pennsylvania Ave. N.W. Washington, D.C. 20530 (202) 633-2812
1085-4 1210 No. BELOW: 75-C-38-C JUDGE BELOW: 8510 Chandler Reporter: Mickey DATE OF JUDGMENT: 7/25/83 NOTICE OF APPEAL FILED: 9/13/83 Action commenced: 1/28/75	

kmh DATE	ACCOUNT OF APPELLANT	Received	Disbursed	REMARKS
	Pd. in d.c.			



UNITED STATES COURT OF APPEALS
FOR THE
TENTH CIRCUIT

CASE NO.	U.S.A. vs. 49.01 Acres of Land, et al.		
83-2195			
DATE	FILINGS—PROCEEDINGS		Filed
9/27/83	CS.DKT Case docketed. ROA.DUE Record on appeal due 9/23/83. DKT.ST.DUE Appellants' docketing statement due 10/4/83.		
10/6/83	DKT.ST.F. Appellant's docketing statement filed, orig and 6 cc, c/s		
10/14/83	ROA.F Record on appeal (certificate of readiness) filed		
* 10/3/83	NAPR.F. Notice of appearance by Thieman & Kronfeld as attys. for appellants.		
11/16/83	O.ASGN.CAL Order case assigned to Calendar B - Seth. (parties served by mail) BR.DUE Appellant's brief due 12/7/83.		
12/1/83	M.EXTM.BR.DISP. Appellants' motion for extension of time to 2/7/84 to file brief filed on 11/30/83 (orig & 5cc, c/s) granted - HKP (parties served by mail)		
* 11/10/83	NAPR.F Notice of appearance filed by Donald T. Hornstein and Robert L. Klarquist as attorneys for appellee.		
2/3/84	M.EXTM.BR.DISP. Appellant's motion for extension of time to 3/9/84 to file brief filed (orig & 4cc, c/s) granted - RLH (parties served by mail)		
3/12/84	BR.F. Appellant's brief filed, orig and 10cc, c/s		
4/2/84	M.EXTM.BR.DISP. Appellee's motion for extension of time to 5/2/84 to file brief filed (orig & 3cc, c/s (granted-HKP)(parties served by mail)		
5/7/84	M.EXTM.BR.DISP. Appellee's motion for extension of time to file brief filed, orig & 3cc, c/s; granted-RLH (parties served by mail) BR.F. Appellee's brief filed, orig & 9cc, c/s		
5/14/84	M.EXTM.BR.DISP Appellant's motion for extension of time to 5/28/84 to file reply brief filed, orig +4cc, c/s, granted -- disposed of by HKP (parties notified by mail)		
5/23/84	M.EXTM.BR.DISP Appellant's motion for extension of time to 6/4/84 to file reply brief filed, orig +4cc, c/s, granted -- disposed of by HKP (parties notified by mail)		
6/5/84	BR.F Appellant's reply brief filed, orig +9cc, c/s		
5/2/85	HRG.SET.JUN'85 SS, DENVER		
6/10/85	ADD.AUTH.F/SUBM. Appellee's additional authority filed & submitted to panel. (orig & 3cc, c/s)		
6/14/85	CS.ARG.SUBM - case argued and submitted - Logan, McWilliams, Seymour		



PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-38</u>
			PAGE <u>3</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
6-19-75	14.	ORDER AUTHORIZING BEN L. MURDOCK TO WITHDRAW AS ATTORNEY OF RECORD, FILED. (HDC-J) cps mld mm	
6-19-75	15.	WITHDRAWAL OF ATTORNEY OF RECORD, FILED. MM	
6-20-75	16.	Order Sustaining Motion to Intervene, Filed. (HDC-J)mm cps mld	
6-23-75	17	Notice of Appearance of Philip R. Campbell on behalf of John M. Anderson, Henry P. Anderson & Opal M. Faddis, filed. g	
6-26-75	18.	Defts' Alexander-Frates Co, Diamond Head Property Owners Ass., Inc. & Diamond Head Development Sect. 2 Application for Continuance of of Pre-Trial Conference, filed. mm	
6-26-75	19.	Order re pre-trial conference to be continued to be set by further order, filed. (HDC-J)mm cps mld	
7-16-75	MO:	Case set for PT hearing 8-27-75 at 11:00 a.m. (HDC-J)hm	
7-16-75	²⁰ 19 .	Answer of Alexander-Frates Co., Diamond Head Property Owners Assn., Inc. & Council of Unit Owners of Diamond Head Development Sect. 2, Osage County, Okla., filed. hm	
8-25-75	21.	Alexander-Frates Co., Motion to Require Survey, filed. mm	
8-25-75	22.	Alexander-Frates Co., Breif in Support of Defendant's Motion to Require Survey, filed. mm	
8-25-75	MO:	It is ordered by the Court that the plaintiff file a responsive brief with 10 days to the defendants motion to require survey. (HDC-J) cps mld mm	
8-26-75	23.	Conference Memorandum in re conference held 8-21-75, filed. v	
8-27-75	MO:	Pretrial hearing held. Statements made. Govt. counsel announces there are 2 separate economic parcels in case & therefore requests 2 separate trials. Govt's motion to sever Anderson tracts and Frates tracts sustained. Govt. to prepare order. Pltf's response to mo/require survey waived, since motion is confessed - govt. to provide survey. Report to be made to Court within 60 days re need for further PT hearing. Court directs publication to issue on unserved claimants. Case to be tried by Commissioners, except for questions of law, which shall be presented to Court for determination. Govt. & defts. to each submit list of 3 Commissioners to Court after answer date of additional parties has elapsed. (HDC-J)hm	
9-2-75	24	Order, filed, that Tracts Nos. 2601E-27 and 2601E-28 are severed from other tracts for all proceedings. (HDC-J)g	
9-16-75	25.	Certification for Service by Publication filed by USA.mm	
9-30-75	26.	Certificate of Publication and Mailing filed by USA.jj	
10-31-75	27.	Status report by pltf., re Anderson Unit, filed. rm	
10-31-75	28.	Status report by pltf., re Frates Unit, filed. rm	

(over)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-38</u>
			PAGE <u>4</u> OF <u>2</u> PAGES
DATE	NR.	PROCEEDINGS	
12-2-75 1976	MO:	Case set for pre-trial hearing 2-3-76 at 10:30 a.m. (HDC-J)hm	
2-3-76	29	Notice of Appearance Atty, Darven L. Brown for Henry P. Anderson, Opal M. Faddis & Barbara Lou Anderson Walker, filed.t	
2-3	MO:	Further pre-trial hearing held. Statements made. All counsel involved in both tracts directed to file briefs on question of highest use of property by April 1; responsive briefs to be filed 15 days thereafter if desired. Parties heretofore agreed to case being tried to a Commission. Additional PT hearing to be set. (HDC-J)hm	
2-6	30	Entry of appearance of Bruce W. Gambill for Robert Duffield, filed.g	
3-31	31	Separate answer of Robert Duffield, filed.t	
3-31	32.	Brief of Pltff. USA, filed. ph (Anderson Unit Only)	
3-31	33.	Brief of Pltff. USA, filed. ph (Frates Unit Only-Tracts 2601E-27 &	
4-1	34	Request for Ext. of time, filed.t O-J 2601E-28)	
4-1	35.	Order, filed, granting defts. Alexander-Frates Co., Diamond Head Property Owners Assoc., INC., and Diamond Head Development Sect. 2, Osage Co., OK, until 4-5-76 to file brief. (HDC-J)v -cps. mld.	
4-1	36	Application for Leave to File Ans. out of Time, filed.t O-J	
4-1	37.	Separate brief in behalf of the property interests of Robert Duffield and Gerald C. Pickering, filed. ph	
4-2	38.	Order, filed making Industrial Western, Inc. a party to this proceeding and granting leave to file answer out of time. (HDC-J)ph cps mld	
4-2	39.	Separate answer of Industrial Western, Inc., filed. ph	
4-5	40	Defts' Brief, filed.t	
4-7	MO:	Case set for PT hearing Thurs., June 10, 1976, at 9:30 A.M. (HDC-J)ph	
4-7	40.	Applic. of deft. Duffield for perm. to file ans. out of time	
4-8		Leave granted to file ans. of deft. Duffield out of time. (HDC-J)g	
4-8	41.	Pltff's Mtn. to Strike Separate Ans. of Robert Duffield w/Brief in Support, filed.jj	
4-8	MO:	Ordered by the Court that Deft. is granted 10 days to respond to pltf's Mtn. to Strike the Separate Ans. of Robert Duffield (HDC-J)jj	
4-8	42.	Mtn. to Drop a Party Deft. and Mtms. to Strike all or Parts of the Separate Ans. of Ind. Western, Inc. w/Brief in Support, filed.jj	
4-8	MO:	Ordered by the Court that deft. is granted 10 days to respond to pltf's Mtn. to Drop Party Deft. and Mtms. to Strike all or parts of the Separate Ans. of Ind. Western, Inc., filed.jj	
4-9	43.	Separate Application for Ext. of Time to File Answer Brf., filed.t O-J	
4-9	44.	Order, filed, extending briefing time until 4-30-76 for Rbt. Duffield & Industrial Western to file their answer brief. (HDC-J)v -cps. mld.	
4-13	45.	Pltff's Response to separate Brf. in behalf of the property interest of Robert Duffield & Gerald C. Pickering, filed.t	
4-16	46.	Responsive Brief of Industrial Western, Inc. to pltf's mot. to drop Ind. Western as party deft. & to strike from deft's ans., filed.k	

(Cont)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-38
USA		49.01 Acres of Land, et al	PAGE 5 OF 3 PAGES
DATE	NR.	PROCEEDINGS	
<u>1976</u>			
4-20	47.	Plaintiff's response to defts' brief, filed. ph (Frates Unit Only)	
4-28	48.	Deft., Robert Duffield's resp. to pltf's brief to strike ans. of Deft., Robert Duffield, filed. ph (Anderson Unit Only)	
4-29	49.	Brief of Robert Duffield, filed. ph (All int. in estate)	
4-30	50.	Brief of Ind. Western, Inc., filed. ph (All int. in estate).	
6-1	MO:	Case stricken from PT hearing at request of parties, to be reset after ruling on pending motions. (HDC-J)hm (notices mailed)	
6-23	51.	Stipulation as to pltf's motion to drop Industrial Western, Inc. as a deft., filed. ph	
7-12	52.	Stipulation of parties in regard to documents which may be treated by the Court as evidence in regard to the "Scope of the Project", filed. ph (Frates Unit Only)	
7-26	53.	Suppl. to response to pltf. brief to strike ans. of def., Duffield, filed. rm	
9-2	54.	Deft. Robert Duffield's motion to require survey w/brief, filed. ph	
9-2	55.	Deft. Robert Duffield's Motion to strike ans. of Industrial Western and appearance of John B. Anderson and Lucy A. Anderson Estates and Heirs Thereof, and motion to substitute Robert Duffield as real party in interest, filed. ph	
9-2	MO:	Parties are directed to file resp. brief within 10 days to Robert Duffield's Motion to require survey and Robert Duffield's Motion to strike ans. of Ind. Western and Appearance of John B. Anderson and Lucy A. Anderson Estates and heirs thereof, and Motion to Substitute Robert Duffield as Real Party in Interest. (HDC-J)ph cps mld	
9-2	56.	Supplementary defts' brief, filed. ph (Robert Duffield) ans. of Ind. Western,	
9-7	57.	Response of pltf. to def. Duffield's mo/strike/appear. of Andersons, and mo/substitute, with brief in support thereof, filed. rm	
9-7	58.	Pltf's resp. to Robert Duffield's motion to Require Survey, filed. ph	
9-13	59.	Response of def. Ind. Western to separate motion of def. Duffield to strike ans. of Ind. Western & to substitute Duffield as party, filed. rm (w/brief incorporated therein)	
9-13	60.	Separate response of def. Ind. Western to mo/require survey of Duffield, filed, w/brief incorporated therein, filed. rm	
11-16	61.	Order, filed, that pltf. mo/strike separate ans. of Duffield is overruled; pltf. mo/drop Ind. Western as party def. is overruled and pltf. alternate mo/strike all or parts of separate ans. of Ind. Western is overruled; that motion of def. Duffield to strike answer of Industrial Western is overruled; that motion of def. Duffield to strike appearance of John B. Anderson and Lucy Anderson estates & heirs is sustained and these parties are dismissed; that motion of def. Duffield to require survey is overruled; that USA has shown public purpose & necessity for taking condemned lands; that tracts condemned were not within original scope of project of Keystone and that USA is subject to their enhanced value. (HDC-J)rm-copies mailed	

(cont)

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-38</u>
USA		49.01 acres of land	PAGE <u>6</u> OF <u>3</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1976</u>			
11-24	62.	DEMAND FOR JURY TRIAL, filed by defts. Robert Duffield and Industrial Western, Inc. ph	
<u>1977</u>			
1-17	MO:	Case set for Pre-Trial hearing on 4-5-77 at 9:00 a.m. (HDC-J)ph notices mld	
1-31	MO:	Case reset for PT hearing 4-1-77 at 9:00 a.m. (HDC-J)hm	
3-30	63.	Conference memo, filed. ph <i>copy to 9</i>	
4-1	MO:	Pre-trial hearing held. Statements made. As to Frates Tract, parties agree to have case tried to a Commission. Parties to submit suggested names of proposed Commission within 2 weeks. As to Anderson Tract, parties withdraw demand for jury trial and agree to have case tried to a Commission. Parties to submit names of proposed Commission (& to be same names as in Frates Tract) within 2 weeks. Separate trials to be held as to each Tract. Pltf. to prepare PT order, w/instr. to Commissioners attached, within 2 weeks. (HDC-J)hm	
4-1	64.	Conference Memorandum, filed in open court. hm	
4-14	65.	Pre-trial order, as to Frates Unit Only, filed. ph (HDC-J)	
4-14	66.	Pre-trial order, as to Anderson Unit Only, filed. (HDC-J)ph	
4-14	67.	Appl. of defs. for ext. of time to submit names of nominees for commrs. and to submit requested instructions, filed. rm(O to J)	
4-14	68.	Appl. of def. Alexander-Frates, Diamond Head & Diamond Head Dev. for ext. of time to file proposed instructions to commrs., filed.rm	
4-14	69.	Statement and brief in support of appl. for ext. of time, filed.rm (O to J)	
4-15	70.	Order, fld., granting defts. Alexander-Frates Co., Diamond Head Property Owners Association, Inc., and Diamond Head Development Section 2, Osage Co., OK, until 5-1-77 to submit proposed Instructions to Commissioners. (HDC-J)v -cps. mld. In re FRATES UNIT ONLY.	
4-15	71.	Order, fld., that defts. are granted until 12:00 noon, 4-29-77, to file nominees and their requested instructions. (HDC-J)v -cps. mld.	
4-15	72.	Pltf's Request for Instructions to Commissioners (Frates Unit Only), filed. b	
4-15	73.	Pltf's Request for Instructions to Commissioners (Anderson Unit Only), filed. b	
5-3	^s 74.	Appl. of defs. Alexander-Frates, Diamond Head Property and Diamond Head Dev. for ext. of time to file proposed instructions to commrs., filed.rm(O to J)	
5-3	75	Order, filed, granting Alexander-Frates Co., Diamond Head Property Owners Assn. Inc. & Diamond Head Development Section 2, until 5-7-77 to submit proposed instructions to Commrs. (HDC-J)g cp mld	
5-5	76.	Motion of pltf. for amendment to Ct. order of 11/16/76 to include provision to certify question to 10th Circuit, filed.rm	
5-5	77.	Pltf. brief in support of mo/amend. order of 11/16,76, filed.rm	
5-5	MO:	Ordered by the Ct. that defts. are granted 10 days to respond to pltf. mo/amend. order of 11/16/76.(HDC-J)rm-copies md.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-38-C</u>
U.S.A.		49.01 Acres of Land, et al	PAGE <u>7</u> OF <u>4</u> PAGES
DATE	NR.	PROCEEDINGS	
1977			
5-10	78	Brief of deft. Duffield in opposition to mot. for interim appeal, filed. njb	
5-10	79	App. of deft. Alexander-Frates Co. for Extension of Time in which to file proposed Instructions to Commrs, fld. njb O to J	
5-10	80.	Statement & brief in support of defts. appl. for ext./time, fld.njb	
5-11	81.	Order, filed, granting defts. Alexander-Frates Co., Diamond Head Property Owners Assoc., & Diamond Head Development Section II ext. of time to submit proposed Instructions to Commrs. until 10 days subsequent to a ruling on pltf's mot. for amendment to Order of 5-5-77, if denied, or until 10 days subsequent to ruling by Court of Appeals upon issue of "highest and best use" should mot. be granted. (HDC-J)k cps mld	
5-16	82.	Response of deft. Industrial Western, Inc., to pltf's motion for interim appeal, filed. lm	
5-16	83.	Response and Brief of deft, Alexander-Frates Co., et al, to motion for amendment to the Court's Order of 11-16-76, filed. lm	
8-1	84.	Order, filed, granting pltf. mo/for interim appeal.(HDC-J)rm-copies md	
10-13	85.	Order from 10th Circuit, denying pltf. petition for permission to appeal under 28 USC 1292(b), recd. from U.S. Atty. rm	
1978			
1-11	86.	Order appointing commissioners in Anderson Unit, filed, appointing Warren G. Morris, William S. Winter & Kenneth L. Stainer as commissioners, w/Mr. Stainer acting as Chairman. (HDC-J)hm (copies to counsel)	
1-11	87.	Instructions to commissioners in Anderson Unit, filed. (HDC-J)hm (copies to commissioners)	
1-11	88.	Order appointing commissioners in Frates Unit, filed, appointing Warren G. Morris, William S. Winter & Kenneth L. Stainer as commissioners, w/Mr. Stainer acting as Chairman. (HDC-J)hm (copies to counsel)	
1-11	89.	Instructions to commissioners in Frates Unit, filed. (HDC-J)hm (copies to commissioners)	
1-18	90.	Pltf's obj. to instr. to Comm. & mo/substitution of instructions as to Frates Unit, filed. hm	
1-18	91.	Pltf's obj. to instr. to Comm. & mo/substitution of instructions as to Anderson Unit, filed. hm	
1-19	MO:	Ordered that pltf's obj. to instr. to Comm. & mo/substitution of instructions as to Frates & Anderson Units are hereby overruled. (HDC-J)hm (letter written parties)	
4-6	MO	Case set for trial by Commissioners as to Anderson Unit only, on 5-2-78. (HDC-J)g notices mailed.	
4-27	MO	Case stricken from 5-2-78 and re-set for trial before Commissioners, as to Anderson Unit only, at 9:30 A.M. on June 6, 1978. (HDC-J)g N/mld	
4-27	MO	Case set for trial by Commissioners as to Frates Unit only, on 6-13-78 at 9:30 A.M. (HDC-J)g notices mailed.	
5-17	92.	Pltf's motion for stay of proceedings, filed. ph(As to Frates only)	
5-17	93.	Pltf's brief in support of motion for stay of proceedings, filed. ph	
5-18	MO:	Ordered by the Court that the deft/ file a resp. brief within 10 days to pltf's motion for stay of proceedings. (HDC-J)ph ltr mld	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-38
USA		49.01/ acres of land	PAGE 8 OF 4 PAGES
DATE	NR.	PROCEEDINGS	
<u>1978</u>			
5-30	94.	Deft. Frates Properties, Inc., responsive brief for stay of proceedings, filed. ph	
6-6	95.	Order, filed, that this case, as it pertains to the Frates Unit only, is hereby stricken from trial docket; and all proceedings as to the Frates Unit only, are hereby stayed until further order of the Court. (HDC-J)ph cps mld	
6-13	--	USA offer of proof, w/out comm. present, fld. 4 exh. attached. ho	
10-16	--	Transcript of trial proceedings held 6-6-78 before Board of Commrs., Anderson Unit only, filed. Linda A. Walker, CSR, PP 1 - 144 k	
10-16	--	Reporters transcript of continuation of trial had on 6-6, 7, 13-78 before the Bd. of Commissioners, fld. James J. Thompson, LSR, 167 pgs. ho	
11-2	96.	Closing Argument filed.jc	
11-17	97	Brief for deft. Robert Duffield,fld.ra	
<u>1979</u>			
3-20	98	Report of Commissioners, filed. g (Notices mld.)	
3-20		Report of services rendered by Land Commr. Kenneth L. Stainer, fld. g	
3-20		Report of services rendered by Land Commr. Wm. S. Winter, fld. g	
3-20		Report of services rendered by Land Commr. Warren G. Morris, fld. g	
3-23	99	Objections to report of commission by landowner Robert Duffield, with supporting brief, filed. g	
3-23	100	Motion to set objections for decision, filed. g	
3-26	MO:	Ordered that pltf file a resp. brief on or before 4-8-79 to deft Duffield's obj. to Commissioners' Report.(HDC-J)ra cps mld	
3-27	101	Pltf's objections to commissioners report,fld.ra	
3-27	MO:	Ordered that defts file a resp. brief on or before 4-9-79 to pltf's obj. to Commissioners Report.(HDC-J)ra cps mld	
3-27	102	Resp. of pltf to deft Duffield's objection to report of Commission, fld.ra	
3-27	103	Pltf's brief in support of its resp. to deft Duffield's obj. to report of Commission,fld.ra	
4-2	104	Deft. Duffield's Amendment to objection to report of commission, w/brief in support,fld. b	
4-2	105	Deft. Duffield's Brief in opposition to Pltf's objection to commissioners report,fld. b	
4-9	106	Separate resp. of Industrial Western to pltf's objections to Commissioners Report,fld, w/brief attached.ra	
4-11	MO:	Case is set for hrg. on objections & amendment to objections to report of Commission by landowner Robert Duffield, & on Plaintiff's objection to Commissioners' Report on 4-19-79, at 10:00 A.M.(HDC-J)b nts mld	
4-19	MO:	Case called for hrg. on various obj. to Commissioners' report. Parties present & make statements. Obj. & amendment to obj. to report of Commission of landowner Duffield OVERRULED; govt's obj. to Commissioners' report OVERRULED. Govt. counsel to prepare order. (HDC-J)hm	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
U.S.A		49.01 Acres of Land et al	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
4-23-79	---	Reporter's transcript of proceedings had 4-19-79 (Hrg), fld. (TGB-RPR) (10 pages) ra	
4-23	107	Order, filed, that the obj. to Report of Commission & amendment thereto filed by deflt. Duffield, and also the obj. to Commr's Report filed by pltf. are overruled. (HDC-J)k cps mld	
5-2-79	108	Judgement, fld and entered. Ordered that U.S.A. has right, power & authority to condemn for public use the tracts listed in this order, as described in complaint, and such tracts, to extent of estates described in compl, are condemned and title thereto is vested in U.S.A. as of 1-28-75, & all defts and all other persons are forever barred from asserting any claim to such estates; FURTHER ORDERED that on date of taking in this case, owners of the estates taken herein in subject tracts were the defts whose names appear in this order, and the right to receive just compensation for such estates is vested in parties so named; further ordered that Commissioners' Report fld 3-20-79 is approved and sum fixed by Commissioners is adopted as the award of just compensation for taking of subject property, as shown by schedule (listed in order); FURTHER ORDERED that U.S.A. shall pay into registry of Court for benefit of the owners the deposit deficiency as shown (in this order) in principal amt of \$27,433.00, w/int. on deficiency at 6% per annum from 1-28-75 until date of deposit of such sum; after deficiency deposit has been made, Clerk shall disburse entire sum then on deposit for subject tracts, to Robert Duffield & Industrial Western Inc., jointly, \$37,833.00. (HDC-J) ra cps mld	
6-29	109	NOTICE OF APPEAL by pltf. from judg. of 5/2/79. rm-c/m	
7-2	110	NOTICE OF APPEAL by deflt Robt. Duffield from judgmt fld 5-2-79. ra	
7-6	111	APPEAL BOND by Robert Duffield. g	
7-25	112	CERTIFICATE of designation of record on appeal. rm	
7-26	113	CERTIFICATE of designation of record on appeal. (Ind. Western) g	
7-26		APPEAL RECORD (6 vols.) to USCA. g	
8-3	---	Letters from 10th Circ., assigning Nos. 79-1672 and 79-1673. rm	
9-22	114	APPEARANCE OF COUNSEL of Richard W. Gable as counsel with F. Paul Thieman, Jr.	
1982 2-22	115	MANDATE & OPINION of 10th Cir., reversing & remanding for further proceedings in accordance w/opinion. rm	
2-24	--	APPEAL RECORD (6 vols) recd. from 10th Cir. rm	
3-5	116	INSTRUCTIONS TO COMMS. (for second trial) (HDC-J) a - cpy/mld.	
3-22	MO	CASE SET for trial before Commsrs. as follows: <u>Anderson Unit</u> set 6-1-82 at 9:30 a.m.; <u>Frates Unit</u> set 6-8-82 at 9:30 a.m. (K. Stainer-Chr) hm N/M	

DC-111A REV. (1/75)

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-38-C</u>
USA		49.01 Acres of land.....	PAGE <u>10</u> OF <u>5</u> PAGES
DATE	NR.	PROCEEDINGS	
4-1	117	ENTRY of appearance of attys, G. Steven Sidham of Sneed, Lang, Adams, Hamilton et al for deft, Industrial Western.jc	
4-2	118	WITHDRAWAL OF ATTY. of Remington Rogers as counsel for Industrial Western. pt	
4-15	119	APPLICATION of Robert Duffield to disperse \$250.00 tendered for prosecution of appeal.(O as part of App to J)jc	
4-19	---	ORDER directing the sum of \$250.00 be dispursed to Kelly & Gambill. (HDC-J)jc(c/atty)	
5-20	MO:	CASE STRICKEN from N/J trial before Commsrs as to <u>ANDERSON UNIT</u> on 6-1-82, pending settlement. (H.Marlow-AUSA)hm n/m	
5-26	MO:	CASE stricken from N/J trial before Commsrs as to <u>FRATES UNIT ONLY</u> on 6-8-82, pending stipulation.(H.Marlow-AUSA)jc n/m	
5-26	120	ORDER that Remington Rogers is discharged from atty for Industrial Western.(HDC-J)a cert cpys to USA & pty	
5-27	121	DISCLAIMER of deft. Industrial Western, Inc.cs	
5-28	122	STIP. as to just compensation between USA & atty. for Robt.Duffield, re Anderson Unit only. rm	
6-7-82	123	JUDGMENT Entered on stipulation as to just compensation; w/Clk to disburse to Robert Duffield \$5,000.00 and Treasurer,USA \$5,400.00. (HDC-J)jc(c/ptys)(cc/USA)	
6-30	--	EXHIBITS returned to pltf counsel & deft Duffield. hm (as pertain to Anderson Unit)	
8-31	--	STIPULATION re Frates Unit Only, w/exhibits in large brown pressboard folder. (Stip. on front of folder)hm	
10-29	---	SUPPLEMENTAL STIPULATION(laying in file)a	
12-20	MO:	CASE SET for status conf., re Anderson Unit, for Thurs., 1/13/83, 3 p.m. (HDC-J)rm-ntc	
12-30	MO:	CASE reset for 1:30 p.m., Thurs., 1/13/83.(HDC-J)rm-ntc	
1983 1-13	Min:	STATUS CONF. held. Ct. makes oral determination. Govt. to prepare final judg.(HDC-J)(VM-cr)rm	
7-25	124	JUDGEMENT (as to Frates Unit) entered.(HDC-J)rm-c/m	
9-13	125	NOTICE OF APPEAL by Defts. Alexander-Frates Co, Diamond Head Property Owners Assoc., Inc. & Diamond Head Development Section II. pt from the final judg. entered 7-25-83. pt (fees pd) c/mld&USCA	
9-23	126	CERTIFICATE of designation of record on appeal.a of pty	
9-23	127	NOTICE OF TRANSCRIPT ORDER (no transcript necessary for appeal)rm-c/m USCA	
9-27	128	STIPULATION of parties that appeal record be retained by Clerk.rm	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4398

PLAINTIFF		DEFENDANT	DOCKET NO. _____
USA		49.01 ACRES OF LAND, ET. AL.	PAGE <u>11</u> OF <u>6</u> PAGES
DATE	NR.	PROCEEDINGS	
<u>1983</u>			
9-30	--	LTR. recd. from 10th Cir. assigning Appeal No. 83-2195. pt	
10-12	--	APPEAL RECORD certified to 10th Circuit as ready; 3 vols. pt	
<u>1986</u>			
4-18	--	APPEAL RECORD, Vols. I-III, transmitted to 10th Cir. pt	
10-24	129	MANDATE & OPINION recd. from 10th Cir. affirming the judg. of this Ct. pt (O to J for OK)	
12-8	--	APPEAL RECORD (Vols. I-III) rec'd from Tenth Circuit. hm	
<u>1992</u>			
8-19	130	ORDER re: unclaimed monies amt of \$150.00 withdrawn from Ct's Reg Cking Acct to deposit into Fund 613300 unclaimed monies(JOE-J) jc(Ref Receipt dated 8/21/92 #E100610)	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR-7-14-80-70M-4398

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	